

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

THE BRAUN CORPORATION,

Pat. # 7,306,422
7,422,408

Plaintiff,

v.

Case No. 2 08 CV 303

MAXON INDUSTRIES, INC., d/b/a
MAXON LIFT CORP.,

Jury Trial Demanded

Defendant.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, The Braun Corporation (hereinafter "Braun"), by its undersigned attorneys, complains of Defendant, Maxon Industries, Inc., d/b/a Maxon Lift Corp. (hereinafter "Maxon"), as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising out of Maxon's infringement of Braun's U.S. Patent Nos. 7,306,422 (hereinafter "the '422 patent") and 7,422,408 (hereinafter "the '408 patent") in violation of the patent laws of the United States, 35 U.S.C. §§ 271 and 281-285.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338(a).

3. Maxon is committing acts of infringement in this judicial district by selling and/or offering for sale wheelchair lifts, including at least one or more of the wheelchair lifts designated by Maxon under the WL series (collectively referred to as the "WL Lift"), through sales representatives and/or dealers located and/or operating in this judicial district and elsewhere throughout the United States, and is subject to personal jurisdiction in this district.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. 1391(c) and 1400(b).

PARTIES

5. Braun is a corporation organized and existing under the laws of the State of Indiana and has its principal place of business at 631 West 11th Street, Winamac, Indiana 46996. Braun is one of the nation's leading wheelchair lift and personal mobility product manufacturers.

6. Maxon is a California corporation having its principal place of business at 11921 Slauson Avenue, Santa Fe Springs, California 90670. Maxon is a competitor of Braun in the manufacture and sale of personal mobility products.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,306,422

7. Braun realleges paragraphs 1-6 of its Complaint as though fully set forth herein.

8. Braun is the owner of the '422 patent, entitled "Dual Function Inboard Barrier/Bridgeplate Assembly For Wheelchair Lifts." On December 11, 2007, the '422 patent was duly and legally issued to Braun as assignee of the patent. A true and correct copy of the '422 patent is attached hereto as **Exhibit A**.

9. The WL lift is covered by at least claim 1 of the '422 Patent. Maxon makes, uses, offers for sale and/or sells the WL Lift in this judicial district, Indiana and elsewhere within the United States without the authorization of Braun, thereby infringing Braun's '422 patent,

actively inducing others to infringe said patent, and/or contributing to the infringement of said patent.

10. Upon information and belief, Maxon's infringement, contributory infringement and/or active inducement of the infringement by others has taken place with actual knowledge of the '422 patent and, therefore, its infringement thereof has been and continues to be willful and deliberate.

11. As a result of Maxon's infringement of the '422 patent, Braun has been and will continue to be damaged and irreparably harmed, and thus Braun has no adequate remedy at law.

12. Upon information and belief, Maxon will continue such infringement unless enjoined by this Court.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,422,408

13. Braun realleges paragraphs 1-6 of its Complaint as though fully set forth herein.

14. Braun is the owner of the '408 patent, entitled "Lighted Vehicle Access System And Method." On September 9, 2008, the '408 patent was duly and legally issued to Braun as assignee of the patent. A true and correct copy of the '408 patent is attached hereto as **Exhibit B**.

15. The WL lift is covered by at least claim 1 of the '408 Patent. Maxon makes, uses, offers for sale and/or sells the WL Lift in this judicial district, Indiana and elsewhere within the United States without the authorization of Braun, thereby infringing Braun's '408 patent, actively inducing others to infringe said patent, and/or contributing to the infringement of said patent.

16. Maxon's infringement, contributory infringement and/or active inducement of the infringement by others has taken place with actual knowledge of the '408 patent and, therefore, its infringement thereof has been and continues to be willful and deliberate.

17. As a result of Maxon's infringement of the '408 patent, Braun has been and will continue to be damaged and irreparably harmed, and thus Braun has no adequate remedy at law.

18. Maxon will continue such infringement unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Braun prays for a judgment:

- A. finding that Maxon has directly infringed and induced and/or contributorily infringed U.S. Patent No. 7,306,422;
- B. finding that Maxon has directly infringed and induced and/or contributorily infringed U.S. Patent No. 7,422,408;
- C. preliminarily and permanently restraining and enjoining Maxon, its officers, agents, servants, employees and attorneys, and all other persons who are in active concert or participation with any of them, from any further infringement of either patent;
- D. ordering Maxon to account for and pay to Braun compensatory damages by reason of Maxon's infringement of each patent;
- E. finding Maxon to have willfully infringed the patents and awarding Braun enhanced damages of three (3) times its compensatory damages for Maxon's willful infringement;
- F. awarding Braun interest;

- G. finding this to be an "exceptional case" within the meaning of 35 U.S.C. § 285 and
awarding reasonable attorneys' fees to Braun;
- H. awarding costs to Braun; and
- I. granting Braun such other and further relief as may be proper under the
circumstances.

JURY DEMAND

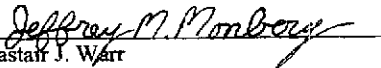
Braun demands trial by jury for all issues so triable.

Respectfully submitted,

KRIEG DEVAULT LLP

Dated: October 17, 2008

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